

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

BENNIE LEE GILYARD,
Petitioner,

vs.

DON JARRIEL, Warden,
Respondent.

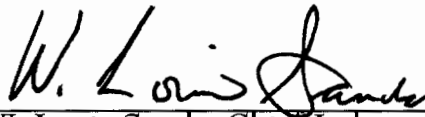
1:05-CV-73(WLS)

ORDER

Before the Court is a Recommendation from United States Magistrate Judge Richard L. Hodge (Doc. #3), filed June 22, 2005. It is recommended that the Respondent's Motion to Dismiss be granted and that Petitioner's federal habeas corpus petition be dismissed without prejudice to the petitioner's right to refile once he has exhausted the remedies available to him in the state court system. No objection has been filed.

Upon full review and consideration, the Court finds that said Recommendation should be, and hereby is, ACCEPTED, ADOPTED and made the order of this Court for reason of the findings made and reasons set out therein. Accordingly, the above-captioned habeas action is DISMISSED without prejudice.

SO ORDERED, this 21st day of September, 2005.



W. Louis Sands, Chief Judge
United States District Court